

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, MAY 14, 1991

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING May 14 1991,
IN Regular SESSION. PRESIDENT Samuel J. Talarico
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS VIZ:

BRADBURY ✓, BURNS ✓, EDMONDS ✓,
GiaQUINTA ✓, HENRY ✓, LONG ✓,
REDD ✓, SCHMIDT ✓, TALARICO ✓

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR April 23 1991
1991

SPECIAL 19

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 14th day of May, 19 91, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 15th day of May, 19 91.

Sandra E. Kennedy

City Clerk



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

23 April 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-04-13

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
23rd day of April 1991.

Robert Huttner
Secretary

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON						
Zoning Map Amendment								
From RA to R-1								
DETAILS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Specific Location and/or Address The west side of Reckeweg Road, including the Terrace Estates Addition & the ground located at its immediate northeast corner. </td> <td style="width: 50%; vertical-align: top;"> Reason for Project Preservation of single family residential integrity. </td> </tr> <tr> <td colspan="2"> Discussion (Including relationship to other Council actions) <u>15 April 1991 - Public Hearing</u> Jane Haflich, 5024 Wisteria Lane appeared before the Commission. Ms. Haflich stated that she, along with 23 of her neighbors, is requesting the rezoning from RA to R-1 so that their residential area will remain residential. She stated that they do not want any businesses in their area. There was no one else who wished to speak in favor of or in opposition to the proposed rezoning. </td> </tr> <tr> <td colspan="2"> <u>22 April 1991 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the nine (9) members present, seven (7) voted for the motion, one (1) abstained and one (1) did not vote. Motion carried. </td> </tr> </table>			Specific Location and/or Address The west side of Reckeweg Road, including the Terrace Estates Addition & the ground located at its immediate northeast corner.	Reason for Project Preservation of single family residential integrity.	Discussion (Including relationship to other Council actions) <u>15 April 1991 - Public Hearing</u> Jane Haflich, 5024 Wisteria Lane appeared before the Commission. Ms. Haflich stated that she, along with 23 of her neighbors, is requesting the rezoning from RA to R-1 so that their residential area will remain residential. She stated that they do not want any businesses in their area. There was no one else who wished to speak in favor of or in opposition to the proposed rezoning.		<u>22 April 1991 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the nine (9) members present, seven (7) voted for the motion, one (1) abstained and one (1) did not vote. Motion carried.	
Specific Location and/or Address The west side of Reckeweg Road, including the Terrace Estates Addition & the ground located at its immediate northeast corner.	Reason for Project Preservation of single family residential integrity.							
Discussion (Including relationship to other Council actions) <u>15 April 1991 - Public Hearing</u> Jane Haflich, 5024 Wisteria Lane appeared before the Commission. Ms. Haflich stated that she, along with 23 of her neighbors, is requesting the rezoning from RA to R-1 so that their residential area will remain residential. She stated that they do not want any businesses in their area. There was no one else who wished to speak in favor of or in opposition to the proposed rezoning.								
<u>22 April 1991 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the nine (9) members present, seven (7) voted for the motion, one (1) abstained and one (1) did not vote. Motion carried.								
POSITIONS	RECOMMENDATIONS							
Sponsor	City Plan Commission							
Area Affected	City Wide							
	Other Areas							
Applicants/ Proponents	Applicant(s) Jane Haflich, representing 23 area residents City Department Other							
Opponents	Groups or Individuals Basis of Opposition							
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against							
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)							
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass							

DETAILS**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

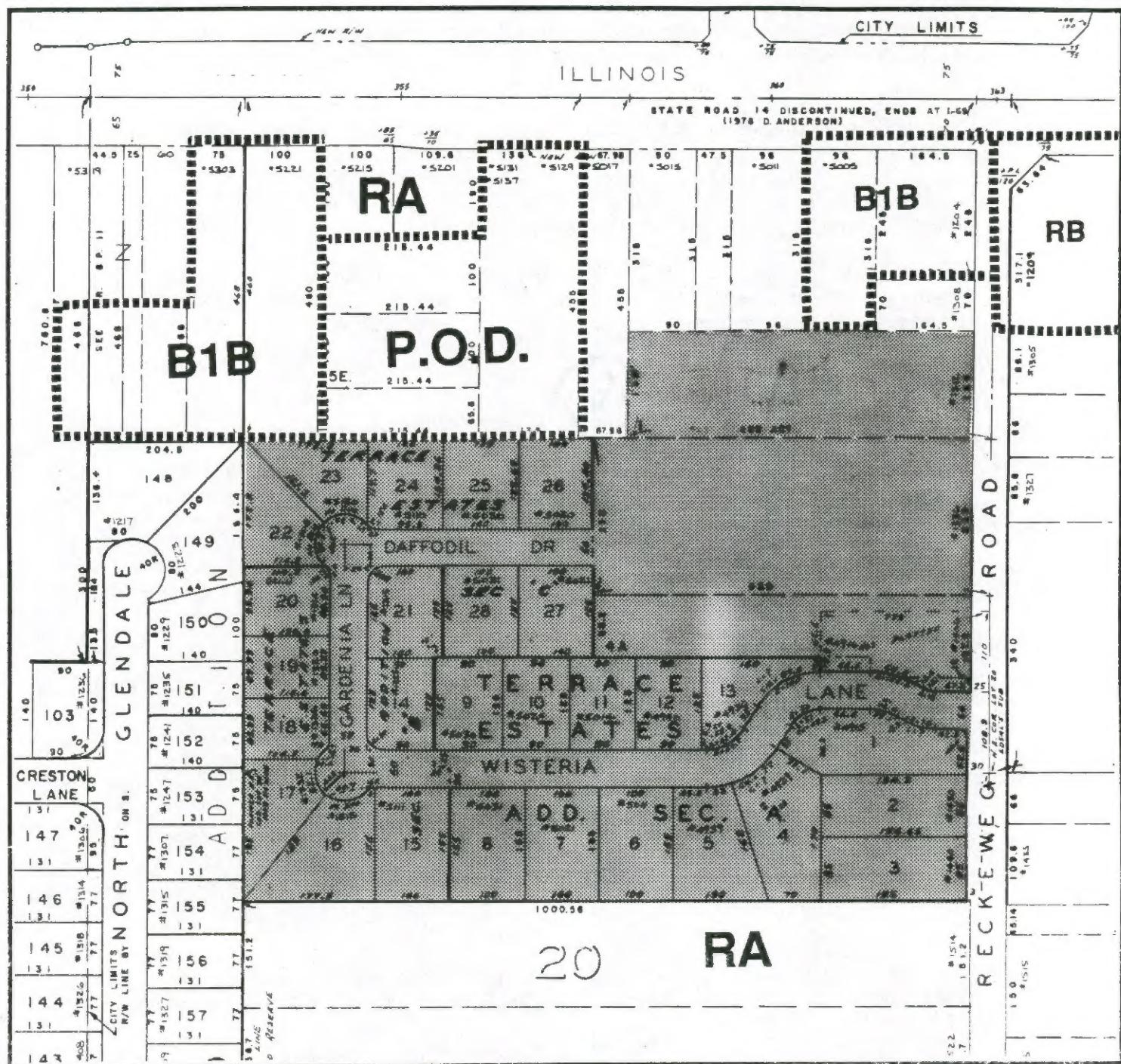
(This space for further discussion)

Project Start**Date** 26 February 1991**Projected Completion or Occupancy****Date** 23 April 1991**Fact Sheet Prepared by**
Patricia Biancaniello**Date** 23 April 1991**Reviewed by***R. Magliozzi***Date** 4-24-91**Reference or Case Number**

REZONING PETITION

AREA MAP

CASE NO. #472



COUNCILMANIC DISTRICT NO. 4

Map No.: F-2
LW 3-21-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	IA	Interchange Access
PUD	Planned Unit Dev.	POD	Professional Office District	MHP	Mobile Home Park

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 9, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-04-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 15, 1991.

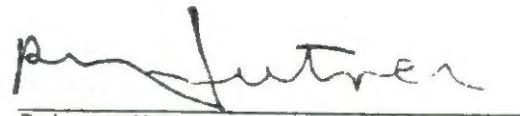
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 22, 1991.

Certified and signed this
23rd day of April 1991.



Robert Hutner
Secretary

Jane Haflich, agent for the petitioners, requests a change of zone from RA to R-1.

Location: On the west side of Reckeweg Road, including the Terrace Estates Addition and the ground located at its immediate northeast corner.

Legal: See file

Land Area: Approximately 14.10 acres

Zoning: RA

Surroundings:	North	RA/POD	Residential and Office
	South	RA	Single family residential
	East	RA	Residential and open
	West	RA	Single family residential

Reason for Request: Preservation of residential integrity.

Neighborhood Assoc.: Reckeweg Road Association

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that development proposals should be compatible with existing and planned uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the West Sector of the Outer Ring. The goal of the West Sector is to contain growth to the Urban Service Area.

The West Sector is primarily suited for residential development and some industrial development.

The downzoning of this area from RA to R-1 would help preserve the present residential uses in this area of Fort Wayne.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

The area is located on the west side of Reckeweg Road just south of Illinois Road. The primary uses in this area are single family residential, with some office and commercial uses located to the north along the Illinois Road frontage.

Rezoning of the ground will eliminate some possible uses permitted under the RA designation of the Zoning Ordinance. Staff's evaluation of this petition indicates that the rezoning would be appropriate. Single family residential represents the predominate character of the area, and is in compliance with the guidelines of the Comprehensive Plan. Further, this petition complements the intent of the staff in reviewing the Apple Glen rezoning. Approval would enhance the residential character of the area and assist in the preservation of property values.

Recommendation: Do Pass for the following reasons:

- 1) Approval is consistent with the Comprehensive Plan.
- 2) Approval is responsive to the majority of area residents, and represents a move to encourage neighborhood pride.
- 3) Approval is representative of the character and condition of uses in the petitioned area.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

23 April 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-04-14

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
23rd day of April 1991.

Robert Hutner
Secretary

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON	
Zoning Map Amendment			
From R-2 to M-2			
DETAILS		POSITIONS	RECOMMENDATIONS
Specific Location and/or Address		Sponsor	City Plan Commission
1600 Wabash Avenue		Area Affected	City Wide
Reason for Project			Other Areas
Expansion and renovation of existing facilities.			
Discussion (Including relationship to other Council actions)		Applicants/ Proponents	Applicant(s) Tokheim Corporation & I&M City Department Other
15 April 1991 - Public Hearing		Opponents	Groups or Individuals Basis of Opposition
Larry Shine, attorney for the Tokheim Corporation appeared before the Commission. Mr. Shine stated that the rezoning is being requested for the purpose of extending the parking lot. He stated that some of the area is already being used for parking and they are using this opportunity to ask for M-2 zoning to make the use and zoning designation consistent.		Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.		Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)
22 April 1991 - Business Meeting		CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pas
Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.			
Of the nine (9) members present, eight (8) voted in favor of the motion, one (1) did not vote			
Motion carried.			

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 14 March 1991

Projected Completion or Occupancy

Date 23 April 1991

Fact Sheet Prepared by

Patricia Biancaniello

Date 23 April 1991

Reviewed by

L. Maylie 38

Date 4-24-91

Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #469



COUNCILMANIC DISTRICT NO 1

Map No : P-2
LW 3-21-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	IA	Interchange Access
PUD	Planned Unit Dev.	POD	Professional Office District	MHP	Mobile Home Park

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 9, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-04-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 15, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 22, 1991.

Certified and signed this
23rd day of April 1991.



Robert Huttner
Secretary

Lawrence E. Shine, attorney for Tokheim Corporation, requests a change of zone from R-2 to M-2.

Location: In the 2200 block of Reynolds Street on the north side, and the first lot east of Warren Street.

Legal: See file

Land Area: Approximately 1.67 acres.

Zoning: R-2

Surroundings:	North	M-2	Tokheim / Railroad tracks
	South	R-2	Residential
	East	R-2	Residential
	West	M-2	Tokheim

Reason for Request: Expansion and renovation of the existing facilities.

Neighborhood Assoc.: None

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Central Area. There are three main goals in the Central Area: (1) to maintain existing development; (2) to halt deterioration, and (3) to encourage reinvestment.

Neighborhood Plan: While this rezoning request is in a neighborhood adjacent to one of our neighborhood strategy areas, the neighborhood planning staff has no comment.

Landscape: No comment.

Planning Staff Discussion:

Tokheim Corporation is proposing an expansion and renovation of their existing facilities. This proposal would include an expansion of their parking area, which is projected to extend into these lots.

Tokheim currently has a fence that extends along Reynolds Street to its intersection with Warren Street. As these lots are

projected to be used for parking, Tokheim could seek a variance through the Board of Zoning Appeals for that use. However, a more appropriate alternative would be the rezoning of these lots.

There is existing M-2 zoning to the north, which extends east on the north side of Alden Avenue. It would appear to be in the best interests of the City to provide for a more logical alignment of zoning designation lines, in this case along the north side of Reynolds Avenue. (It should be noted that M-2 designations exist on the north side of Reynolds Street at its intersection with Lumbard, approximately two blocks away)

Recommendation: Do pass for the following reasons:

- 1) Approval is consistent with the goals established for this area.
- 2) Approval would provide for the highest possible use of this land, while being responsive to the principles of responsible development and growth.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

23 April 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-04-15

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
23rd day of April 1991.

Robert H. Hutter
Secretary

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON	
Zoning Map Amendment			
From RA to R-1			
DETAILS		POSITIONS	RECOMMENDATIONS
Specific Location and/or Address An area generally bounded by Paulding Rd to the south, Werling Dr to the west, Hessen Cassel to the east & Fairfax & Ashcroft-north.		Sponsor	City Plan Commission
Reason for Project Preservation of the single family residential integrity.		Area Affected	City Wide Other Areas
		Applicants/ Proponents	Applicant(s) Hoevelwood Civic Assn City Department Other
Discussion (Including relationship to other Council actions) <u>15 April 1991 - Public Hearing</u>		Opponents	Groups or Individuals Basis of Opposition
Tom Clusserath, attorney for the petitioners appeared before the Commission. Mr. Clusserath stated that there was a petition a few years ago to use the undeveloped land in this petition for a 3-story, 50-unit senior apartment project known as Salem Manor. He stated that the current zoning of RA does permit multi-family development and they want to remove that potential for that last undeveloped area. He stated that this area is one of the nicest single family areas in the southeastern section Fort Wayne. He stated that they would like to make certain that know multi-family project is possible in this area. He stated that they have obtained approximately 130 of the 170 landowners signatures in the area on this petition to rezone. He stated it is important to the area residents to maintain the single family character and to preserve it.		Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Franklin J. Howes, 5402 Radcliffe Court appeared before the Commission. Mr. Howes stated that the houses in this area are large enough to be sectioned up into multi-family dwellings. He stated that he		Board or Commission Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for condition)
		CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

was opposed to that happening. He felt that to allow the property to remain RA would be unjust to the whole community.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

22 April 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the nine (9) members present, eight (8) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date March 14, 1991

Projected Completion or Occupancy

Date April 23, 1991

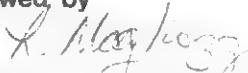
Fact Sheet Prepared by

Date April 23, 1991

Patricia Biancaniello

Reviewed by

Date 4-24-91

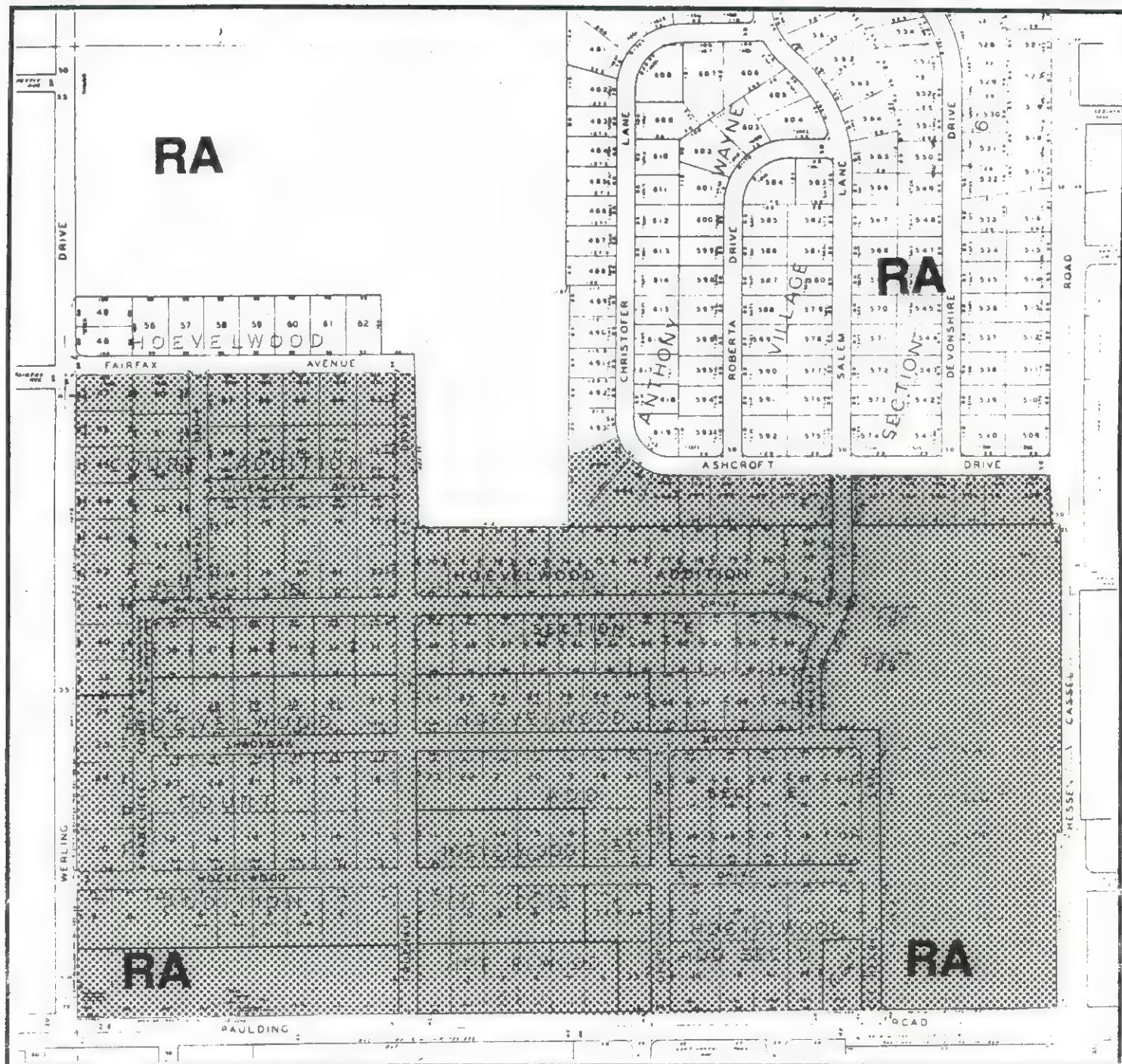


Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #468



COUNCILMANIC DISTRICT NO. 6

Map No.: Q-19

LW 3-21-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	IA	Interchange Access
PUD	Planned Unit Dev.	POD	Professional Office District	MHP	Mobile Home Park

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 9, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-04-15; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 15, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 22, 1991.

Certified and signed this
23rd day of April 1991.



Robert Huttner
Secretary

Thomas M. Clusserath, attorney for the petitioners, requests a change of zone from RA to R-1.

Location: An area generally bounded by Paulding Road to the south, Werling Drive to the west, Hessen Cassel Road to the east and Fairfax and Ashcroft drives to the north.

Legal: See file

Land Area: Approximately 94.30 acres

Zoning: RA

Surroundings:	North	RA	Residential
	South	RA	Residential
	East	RA	Residential
	West	R-1/RA	Residential

Reason for Request: Preservation of residential integrity.

Neighborhood Assoc.: Hoevelwood Civic

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

The majority of owners of property in this area are interested in preserving the integrity of their single family residential neighborhoods. Rezoning of the ground will eliminate some possible uses permitted under the RA designation of the Zoning Ordinance.

The area has primarily been developed as single family with St. Henry's located at the southeast corner of the petitioned parcel. Immediately north of St. Henry's is a single family home, and approximately a seven (7) acres undeveloped tract. The ground to

the north, that is not included in this petition has been developed as either single family, school uses, or a YMCA.

Staff's evaluation of this petition indicates that the rezoning would be appropriate. Single family residential represents the predominate character of the area, and is in compliance with the guidelines of the Comprehensive Plan. Approval would enhance the residential character of the area and assist in the preservation of property values.

Recommendation: Do Pass for the following reasons:

- 1) Approval is consistent with the Comprehensive Plan.
- 2) Approval is responsive to the majority of area residents, and represents a move to encourage neighborhood pride.
- 3) Approval is representative of the character and condition of uses in the petitioned area.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

8 May 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-03-13

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of May 1991.



Robert Hutter
Secretary

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802

FACT SHEET

Z-91-03-13

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON														
Zoning Map Amendment																
From RA & RB to B2D																
DETAILS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Specific Location and/or Address Portions of an area generally described as being located east of Reckeweg Road, south of Illinois Rd and north of Jefferson Blvd. </td> <td style="width: 50%; vertical-align: top;"> Reason for Project Development of a strip commercial center. </td> </tr> </table>			Specific Location and/or Address Portions of an area generally described as being located east of Reckeweg Road, south of Illinois Rd and north of Jefferson Blvd.	Reason for Project Development of a strip commercial center.												
Specific Location and/or Address Portions of an area generally described as being located east of Reckeweg Road, south of Illinois Rd and north of Jefferson Blvd.	Reason for Project Development of a strip commercial center.															
POSITIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Sponsor City Plan Commission </td> <td style="width: 50%; vertical-align: top;"> RECOMMENDATIONS </td> </tr> <tr> <td style="vertical-align: top;"> Area Affected City Wide Other Areas </td> <td></td> </tr> <tr> <td style="vertical-align: top;"> Applicants/ Proponents Indiana Venture, Summit Bank Trustee City Department Elizabeth J Tonn Steve J & Dora M Dager Other </td> <td></td> </tr> <tr> <td style="vertical-align: top;"> Opponents Groups or Individuals See Attached Minutes </td> <td></td> </tr> <tr> <td style="vertical-align: top;"> Staff Recommendation <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against </td> <td></td> </tr> <tr> <td style="vertical-align: top;"> Board or Commission Recommendation NO RECOMMENDATION <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions) </td> <td></td> </tr> <tr> <td style="vertical-align: top;"> CITY COUNCIL ACTIONS (For Council use only) </td> <td style="text-align: center;"> <input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass </td> </tr> </table>			Sponsor City Plan Commission	RECOMMENDATIONS	Area Affected City Wide Other Areas		Applicants/ Proponents Indiana Venture, Summit Bank Trustee City Department Elizabeth J Tonn Steve J & Dora M Dager Other		Opponents Groups or Individuals See Attached Minutes		Staff Recommendation <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against		Board or Commission Recommendation NO RECOMMENDATION <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)		CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass
Sponsor City Plan Commission	RECOMMENDATIONS															
Area Affected City Wide Other Areas																
Applicants/ Proponents Indiana Venture, Summit Bank Trustee City Department Elizabeth J Tonn Steve J & Dora M Dager Other																
Opponents Groups or Individuals See Attached Minutes																
Staff Recommendation <input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against																
Board or Commission Recommendation NO RECOMMENDATION <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)																
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass															
Discussion (Including relationship to other Council actions) <u>18 March 1991 - Public Hearing</u> See Attached Minutes of Meeting <u>6 May 1991 - Business Meeting</u> Motion was made and seconded to return the ordinance to the Common Council with NO RECOMMENDATION. Of the seven (7) members present, five (5) voted in favor of the motion, two (2) voted against the motion. Motion carried.																

DETAILS**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start Date 14 February 1991**Projected Completion or Occupancy** Date 8 May 1991**Fact Sheet Prepared by** Date 8 May 1991

Patricia Biancaniello

Reviewed by Date 5/8/91
*K. Mayhew***Reference or Case Number**

Bill No. Z-91-03-13 - Change of Zone #463
From RA & RB to B-2-D

Portions of Lots 10, 11, 19, 22 & 23 in Edsall's Subdivision of Lagro Reserve. Generally located east of Reckeweg Road, south of Illinois Road and north of Ridgelane Drive.

Primary Development Plan for Apple Glen Phase I (Galleria)

Doug Miller, attorney representing the petitioners and the developers, appeared before the Commission. He stated that they are talking about a parcel of land which is located generally east of Reckeweg Road, south of Illinois Road and north of W Jefferson Blvd. He stated that it contains approximately 22 acres in size. He stated that the reason for the request was to include within a regional area, a discount or a strip mall, in that regional shopping center. He stated the neighborhood associations in the area are the Reckeweg Road Area Association, Westmoor Park Neighborhood Association and the Wildwood Park Community Association. Mr. Miller gave the Commission a brief history of the Apple Glen Shopping Center. He stated that the property is located in the West Sector of the Outer Ring of the Comprehensive Plan. The goal of that West Sector is to contain the growth to the urban service area. He stated that Apple Glen falls within the boundary of the urban service area. He stated that shopping centers are not approved under the plan and are not recommended for the West Sector, but the present proposal represents an expansion of a previously approved shopping center that was already contemplated under the Comprehensive Plan. He stated that the primary plan for Apple Glen does not contemplate an access on Reckeweg Road and it does not plan at this point to abut Reckeweg Road. He stated that the uses to the south on W Jefferson have changed in character from single family residential to multi-family and professional office development. He stated that there is continuing change in the character of uses to the north along Illinois Road. He stated that the only use which has maintained its character throughout time is the residential use along Reckeweg Road and Ridgelane and Park West Shopping Center. He stated that he felt the highest and best use of the property is to incorporate it in as a part of Apple Glen Shopping Center. He stated that he felt it was fair to say that there would be no impact on the property values to the north, east or south of the project. He stated that the developer is willing to make commitments with respect to Reckeweg Road and the Ridgelane Road areas to help maintain the residential characters of the areas. He stated that the residential property values have not suffered as a result of Apple Glen's existing rezoning of over 105 acres. He stated that the 22 acres would not dramatically shift the situation. He stated that staff has made recommendations to reduce the size of the current request by deleting the ground within 300 feet of the Reckeweg Road centerline and deleting the south approximate 115 feet of Lot #23 (Parcel F) to provide a south boundary line that is an extension of the existing zoned parcel. He stated that the developer is

willing to perfect his current request to reflect these changes. He stated that the developer is serious in developing an upper scale development. He stated that the developer wants to integrate mixed uses and discount retail which would enhance the marketing viability of the project. He stated that he would move into the record the introduction of a traffic study, an economic impact analysis that were presented along with the original submission. He stated that the felt the developer was willing to do all that he could to meet the needs of the surrounding community and to give a quality development to the area.

Ted de Swart, representing the developer Bobeck Real Estate, appeared before the Commission. He stated that the plan submitted with the rezoning includes only the west side of the property because that is the side that has been most easily planned at this stage. He stated however; it is important in understanding the project, that everyone realize that the portion of the project to the east of this road and to the east of the proposed strip center, is the portion which will contain the regional mall at sometime in the future. He stated that this project as an overall project is quite a typical retail development in a large and growing city. He stated that it comprises as its main components a regional enclosed mall with some 3 to 5 department stores and 250,000 to 350,000 square feet of specialty stores. On its periphery it will feature a discount and convenience oriented strip center together with various out parcels and some other minor uses. He stated that the dynamics of a regional mall are such, in terms of dimension, that any drastic encroachment on any of the axis makes it a very awkward development. The reason we are here tonight is because the developer is very anxious to keep the proportions of the mall such that a quality development can be pursued there. In order to accomplish this and at the same time take advantage of the commercial opportunities that are present at the moment, it is necessary to add a small portion of property on the west side to accommodate the convenience and discount strip center. He stated that very often in communities of this sort, when this sort of development is done, the "coin" is flipped over and the peripheral development follows the regional mall. The economy at the moment is such that retailers are having "hard luck" and it mainly applies to retailers who are very service oriented or middle of the road mass merchandisers. He stated that in economic times such as this, it is the discount stores and the convenience stores that tend to prosper and be aggressive. He stated that is why they are starting with the peripheral development rather than the nucleus of the development which would be the regional mall. Furthermore, he stated that everyone has heard of the takeovers, aided by junk bond issues and the leverage buyouts that have plagued the department store industry for the last five years. And that has left the traditional department stores in somewhat of a state of shock, and it is going to be awhile before they come out and start aggressively expanding again to communities such as these. However, he stated that they have every reason to believe that by the time this

development is concluded, they will be ready to roll into the development of a regional mall. He stated that in order to accommodate the mall and strip center, and to accommodate the flow of traffic around the project, they have dissected the project with a road which effectively goes from Thomas Road through the project to W Jefferson Bl. He stated that their original development plan submission has been altered after discussions with various private individuals as well as the planning staff. He stated they have, as a result of those conversations, voluntarily increased their buffer zones, moved forward buildings by substantial distances and also agreed to withdraw from the petition the piece of property that fronted Reckeweg Road. He stated that their proposed revised plan is a plan that he felt, with some small exceptions, that both the city and developers can live with.

Kerry Dickmeyer, Coil & Dickmeyer Engineering, appeared before the Commission and presented the storm drainage plan to the Commission. He stated the site presently has an open drain system that bisects the middle of the site and outlets under a box culvert onto W Jefferson Bl. He stated that they intend to slide the street and drainage basin and drainage route in the same direction. He stated that they are proposing to do a storm sewer and open drainage system along with the detention pond down the east side of the access road. He stated that in discussing this with staff they have made some agreements on the amount of drainage that they have to handle for the area. He stated that they have done some preliminary calculations on how much volume will be due to the development and how much the city would like to have them discharge into the culvert. He stated that the preliminary numbers call for a 24 acre feet of storage, for a fully developed center, with controlled discharge. He stated that they intend to drop the site for the strip mall area from anywhere from 3 to 5 feet in elevation depressing the site, providing positive drainage downfalls. He stated that by depressing these areas they will be able to provide positive drainage, a better drainage system to what they have in the area now. He stated that they are trying to control all of the onsite drainage that they have for the site.

Kevin McCrory, landscape designer & architect, appeared before the Commission. Mr. McCrory stated that they have two primary aspects of the primary landscaping plan for this development. One is the landscaping that will occur in the main improvements areas, which would be the proposed connector road and also the landscaping that would occur on the "public" side of the stores (parking lot areas, islands, etc). Second, and the more critical part of his task is to look at the buffering and screening that will need to occur between the residential land uses to the south and to the west. He stated the original plan was to try and save as many trees as possible. He stated that they feel that they have accomplished the task of maintaining as much of the original characteristic of this area (vegetation, trees) that the area residents enjoy today. He stated that with the shifting of 115

feet of the Wal Mart facility they are able to save more of the existing vegetation and trees. He stated that you would have a minimum along the south border and along the west border of 75 feet of existing vegetation. He stated that also incorporated into that, where the opportunity presents itself, they will have berthing and also new vegetation. He stated that they will work very closely with the city and their landscape architect to define carefully where the exact areas, along with more detailed plans, as to where the berthing and trees need to be placed. He stated that in some cases they may also be required to have a solid wood fence.

John Shoaff questioned how many of the trees would be removed.

Mr. McCrory pointed out on the plan the area of vegetation that would be removed.

John Shoaff questioned how high the mechanical housing on top of the building would be and the height of the parking lot lights.

Jerry Noble, architect with MSKTD, appeared before the Commission. Mr. Noble stated that the rooftop units to handle the tenant spaces are generally in the neighborhood of 3 1/2 to 5 feet tall. He stated that the height of the parking lights will be 30 feet.

Mr. de Swart stated that it is important to note that the high parking lot lights will be to the east of the development and that there will be no standard lights behind the development or to the west. They will be all wall mounted surface lights so there should be very little spill-off from them.

Tom Manny, from Traffic One, appeared before the Commission. Mr. Manny stated that in 1989 Barton-Aschman did a revised traffic analysis for the Apple Glen complex. He stated that they had met with the city departments in October of 1989 and again in January 1990. As a result of those meetings they, received a request in March of 1990, that they move the access point. He stated that the city requested that they line the access point up with Thomas Road. He stated they found out through research that there is a street easement at the location directly across from Thomas Road. He stated that because they have proposed a street that connects from Thomas Road to W Jefferson Blvd., through the complex, they are aware that they will be carrying traffic other than what the center would be generating. He stated that they intend to develop this road as a major collector. He stated it will help serve and collect some of the impact of the traffic that is trying to get down through the Freeman Street, Lindenwood area. He stated that it could act as a collector until such time that the Ardmore Corridor would become completed.

Mel Smith questioned if the road would be built to city specs.

Mr. Manny stated that it would be built to city specifications as if it were a city dedicated street.

Mark Gensic questioned how wide the street would be.

Mr. Manny stated that at this time it is anticipated to be two lanes in each direction with a 30 foot median.

Mr. Manny stated that the Traffic Engineer has put some requirements on the project for traffic signals. He stated that currently there is in this area a traffic technology computer that has the capability of handling 15 intersections. He stated that the city has required that they extend the conduit and the communications lines to expand that system to any signals that would be required. He stated they will require a signal at Thomas & Illinois Road when the project is opened.

Doug Miller presented the Commission with two sets of pictures that depicted the commercial properties to the north and southeast of the area in question. He stated that they basically depict what requirements, and what has been done in regard to buffering and the shielding of those commercial properties from their property or from the residential properties on Reckeweg and Ridgelane. Mr. Miller further stated that they have held open houses and sent written invitations to the residential areas and associations inviting people to attend. He stated that they had over 11 hours of open houses.

Wil Smith questioned if their clients have considered any other areas, since the area in question is surrounded by high density residential development.

Mr. Miller stated that they presently have 105 acres already zoned for commercial. He stated that they feel that this property will also go commercial and they feel that it is better to develop it in a well defined plan than haphazardly. He stated that they feel this type of well defined development would be in the best interest of the neighborhood.

Mel Smith questioned that if the Commission gives the petitioner the right to build the first phase, what if the economy does not go up, what happens to the rest of the development.

Mr. Miller stated that they feel by this rezoning they are defining the west boundaries of the entire commercial development.

Mr. de Swart stated that the immediate development would be the Wal Mart Store, that contract is in hand. He stated that they do not intend to develop any speculative space. He stated that they have had sufficient interest from other retailers both large national, and small local, sufficient to a point where that entire strip center could be a reality, should the zoning change be approved.

Mark Gensic questioned if someone could show the extent of the

earthwork that would take place during the first phase of the construction. He stated that he was concerned about a multi-phased project opening up, cutting and disturbing the soil and how long it would sit until the next phase would begin.

Kerry Dickmeyer stated that how much soil they cut will depend upon what structures are started and the size of the facility being built. He stated that one of the concerns people have is that of controlling the drainage water that develops due to the earth work. He stated that the drainage water would be controlled all in the one basin area and that is where the sediments should take place. He stated they will have to provide adequate measures of erosion and seeding of those areas. He stated that the immediate construction will be the Wal Mart area. He stated that they are not going to tear down or strip any soil unless it is being developed.

Steve Smith questioned where the detention pond released to and what kind of impact it would have.

Kerry Dickmeyer stated that the box culvert that runs under W Jefferson now handles the basic runoff that they have. He stated that their plans are to limit that amount of runoff that there is today, so their impact will be that they are controlling the drainage upstream on their site and releasing it downstream.

Yvonne Stam questioned how long they would be able to hold the water onsite.

Mr. Dickmeyer stated that the concept is to retain the water onsite for a 24 hour period.

David Long questioned if that meant that the impact on the Junk Ditch would be minimized.

Mr. Dickmeyer stated that if you are discharging less from a developed condition than you presently are, you would be minimizing the amount of flooding that you would have.

David Long questioned if the issue of noise created in the area had been addressed by the developer. He questioned what type of noise would be created by truck traffic, the hours of operation. He questioned if there was going to be an acoustical analysis done and when.

Mr. de Swart stated that the request for an acoustical analysis was brought to there attention in the staff report. He stated they have not done one yet. He stated however that is something that they can look at and identify the areas that are likely to generate sounds that could irritate the adjacent neighbors. Mr. de Swart stated that a representative from Wal Mart was there and would address the methods of eliminating trash and loading/stocking stores. He stated that he felt they would find the methods inoffensive to residential areas. He stated that there would be acoustical studies where necessary.

David Long questioned if an acoustical analysis would include stories in the strip area other than Wal Mart.

Mr. de Swart stated that although they do not know who the other tenants will be at the moment, the shopping center is a very ordinary generic trend. He stated that they know that there will be a supermarket, a drug store etc. He stated that they will try to identify from other shopping centers that have those stores, the kind of operations that they employ and any noise problems that emanate from them. He stated he did not feel it would be a difficult study to do.

Yvonne Stam questioned if all of the site, the original rezoning of Apple Glen (105 Acres) and the new area of 23 Acres, will drain through the area, the box culvert.

Kerry Dickmeyer stated that there is approximately 140 acres in the shed area and it is draining now into this area and through the box culvert at this time. He stated that there is about a 16 to 18 foot fall from Thomas Road down to this box culvert area and this is the normal course. He stated that there is no legal drain and there is no drain running through there.

John Ferrick, real estate manager for Wal Mart, appeared before the Commission. Mr. Ferrick stated that to handle the trash and noise level in this type of facility the company has discovered through trial and error methods of disposal. He stated that they have units that are attached to the building itself and they are loaded internally from the stock area of the store. He stated these type of units run very quietly with nothing more than a humming sound that cannot be heard beyond approximately 100 feet. He stated that they are willing to use what form of trash removal the Commission would deem necessary. He stated that they will take the loading dock and face it away from the residential area. He stated that it still has to be on the back of the building. He stated that they have attempted to reduce noise levels by putting up 6 to 8 foot stockade walls if necessary. He stated that they have found trees and vegetation acts as a more natural sound barrier.

Mr. de Swart stated in conclusion that it is their intention, where possible to completely obscure the line of sight from the residences to the buildings. He stated that the road that will bisect the property will be a full five lane boulevard. He stated that it is Traffic Engineering's opinion that this road will take cut-through traffic off of Reckeweg Road.

Jim Bostwick, owner of Bostwick Sea Ray, appeared before the Commission. Mr. Bostwick stated that they are located across the street from the proposed shopping center. Mr. Bostwick stated that he was impressed with the quality approach that the petitioner has taken and that they endorse the project.

Rick Tomkinson, owner of Tomkinson Dodge, appeared before the Commission. Mr. Tomkinson stated that his business is right down the street from the proposed project. He stated that he moved to the area around 90 days ago because he felt that the area is a great growth area for Fort Wayne. He stated that he felt the area is best suited for projects such this. He stated that this will be an excellent addition to the area.

A W Freuchtenicht, attorney, representing Mr. & Mrs. Roy Hahns, appeared before the Commission. Mr. Freuchtenicht stated that his clients own a 3.7 acre tract that is a part of this development. He stated that his clients are in favor of the proposed rezoning and development.

OPPOSITION:

Ben Eisbart, 3601 North Washington Road, representing the Wildwood Park Association

Don Clendenen, 1910 Reckeweg Road, submitted a petition to the Commission stating reasons why they were in opposition to the proposed rezoning because of the effect of: store lighting infiltration into the residential areas, noise pollution, reduced privacy and loss of aesthetic value to their area. They also had a list of requirements should the property be rezoned that they wanted the Commission to consider:

- No commercial zoning to abut Reckeweg Road.
- Move Wal Mart Northeast to allow for maximum buffering.
- Do Not rezone land within 400 feet of centerline of Ridgelane Drive, and also Reckeweg Road.
- Buffers and concealment to completely shield stores from Residential sight and sound:

- 1) Buffer mounded to minimum of 6 feet from resident's grade level.
- 2) Planted with mature evergreens spaced close enough to provide visual barrier.
- 3) Leave a minimum of 100 feet of natural woods where present, in addition to mounded buffer.
- 4) Leave as much undisturbed woods as possible.
- 5) Buffers to be built and landscaped at time of sight development.
- 6) Provide proper irrigation and drainage caused by buffer swells.
- 7) Buffer to be maintained.

Furthermore the petition stated that they would like:

- Protection from trespassers cutting through residential property to get to stores.
- All stores to have sound buffering, self contained trash, no evening pick ups or deliveries, no outside PA or music.
- No construction traffic on Reckeweg Road.

The petition was signed by approximately 100 area residents.

Henry Helberg, 4130 North Washington Road

Edith Kenna, 3425 North Washington Road

David Kreischer, 1819 No Glendale Dr, President of the Westmoor Association, stated that he was not notified by the developers of their open houses.

Peter Fettig, 1502 Hawthorne Road

Pam Wygant, 2112 Reckeweg Road

Ray Anderson, 1639 Reckeweg Road

Jim Hilgeman, 1741 Reckeweg Road, stated that they do not want any ingress/egress from Reckeweg Road or Ridgelane Road from this property.

The following are reasons were also stated in opposition:

- the Board of Wildwood Park Neighborhood Association wanted to go on record as questioning the impact of such a project on the Southwest portion of Fort Wayne and specifically the Jefferson, Illinois, Getz Road area

- if roadways are to be improved, where is the money to improve them going to come from - the burden of roadway improvements should not be placed upon the taxpayers

- without the project there are already significant traffic problems in this area - what would an addition of this magnitude do in terms of exacerbating those problems

- if roadways are to be improved, where is the money to improve them going to come from - the burden of roadway improvements should not be placed upon the taxpayers - the burden of roadway improvements should be borne by the developer

- how will the impact of the ebb and flow of traffic from this project be reduced until the extension and upgrading of Old Illinois Road with west bound traffic and the extension of Ardmore Avenue

- the extension of Thomas Road through the project and the other traffic alleviators that are proposed are not adequate to correct the traffic problems in the area that would be created by this project

- what type of negative effect could this development have on residential property values in the area

- question of whether this project was really needed - there are

already numerous strip centers that have a high rate of vacancy-such as Canopy Corners, Park West Shopping Center, Time Corners, etc.

- there is a serious water drainage problem in the area - the detention pond proposed does not seem adequate to handle the flow of runoff from the proposed paving and construction that would develop due to this project

- this proposed development appears to be and "addition to a house" that does not exist

- this area would be less detrimental to the area if it were to be developed for offices uses rather than retail uses

- if tract is rezoned, what guarantee to they have that Wal Mart will develop the property and not some less desirable commercial developer

In rebuttal Tom Manny with Traffic One stated that the 1987 study done by the Chicago Engineering firm that was commissioned by the Board of Works at the insistence of City Council and Plan Commission, included the exits points from Apple Glen as part of that study. In fact the designation and location of those access points were done at the recommendation of the Board of Works consultant.

Doug Miller stated that they are submitting a plan for Apple Glen. He stated that they basically have all of the exterior portions and the roadway through it. He stated that this is the first phase - the strip center.

Dr. Thomas Guthrie, Associate Professor of Economics at IPFW and also Chairman of the Economic and Finance Department of the School of Business and Management Sciences and Director of the Community Research Institute, appeared before the Commission. Dr. Guthrie stated that he was not representing IPFW by his appearance before the Commission. He stated that questions have been raised relative to the economic viability of the proposed Apple Glen Mall project. He stated that in case the issue arose, Mr. Bobeck had requested that he review previously commissioned consulting studies addressing the issue and to prepared to comment briefly on them. Dr. Guthrie stated that he did not claim professional expertise with respect to evaluating the economic viability of shopping malls. However, he stated he did claim confidence in being able to determine whether an economic study is sound and consistent in its methodology. Furthermore, if that study is applicable to the Fort Wayne area economy. He stated that he felt even more secure because he claims expert knowledge relative to the area economy. He stated G. A. Partners a unit of Arthur Anderson and Company is the study to which he is referring. He stated that he has a list of retail companies who retain Arthur Anderson as their auditor. He stated that it includes over 60 names and is a "who's who" of the retail industry. He stated that he was sure that G A Partners would not

risk its credibility on one development. He stated that the G A study is worthy of consideration. He stated that the bottom line of the study is that the Apple Glen Mall, if developed as designed, is projected to be eminently viable economically. He quoted from the study, "Apple Glen would be the only mixed use project in the region and will provide area households with a temporary and attractive and exciting shopping experience. Apple Glen will create new shopping opportunities by bringing new department and specialty stores to the Fort Wayne area, and accordingly should command a higher share of the market than the two existing malls." Dr. Guthrie stated that because the study contains substantial proprietary data of a competitive nature, Mr. Bobeck has asked that it not become part of the public record. However, now that the issue of economic viability has been raised, Mr. Bobeck is willing to make arrangements for Commission Members desiring to review the study. Dr. Guthrie stated that he found it curious that economic viability should even be raised relative to this rezoning request. He stated as a teacher of economic principles he instructs students relative to the U S Economy, which we all know, is primarily a market system. He stated that in a market system entrepreneurs not planning commission's make judgments as to whether projects are economically viable. He stated that speaking as a citizen of the Fort Wayne community, not as a consultant, he hoped that a judgement that is relative to economic viability, has no role to play in the rezoning request.

Kerry Dickmeyer, with Coil & Dickmeyer engineering again reiterated the plans and means the project will incorporate relative to the drainage problems in the area and their means of controlling the water runoff and retention from the project.

Kevin McCrory, reiterated the plans that are being prepared for visual and aesthetic landscape barriers between the project and the residents.

Tim Borne stated that there were two public open houses on this project held by the developers. He stated one from 7 pm to 9 pm held at St. Michaels Lutheran Church. He stated that invitations were sent to all the residents of Wildwood Park and to the residents who live on Reckeweg Road as taken from the Polk Directory. He stated that he felt it was fair to say that everyone impacted was invited. He stated that the second open house was held from 12 noon to 8 pm, which gave people who worked on first, second or third shifts an opportunity to attend. He stated that one of the reasons a second open house was held over an eight hour period was to give the residents an opportunity to show up and spend as much quality time as they could with their professionals.

Mr. Ferrick with Wal Mart also made a closing statement stating that they have every intention of developing a quality store to serve the southwest section of the city. He stated that they intend to buy the property that the store is built on they are not leasing. He stated that 99% of the time they put in more

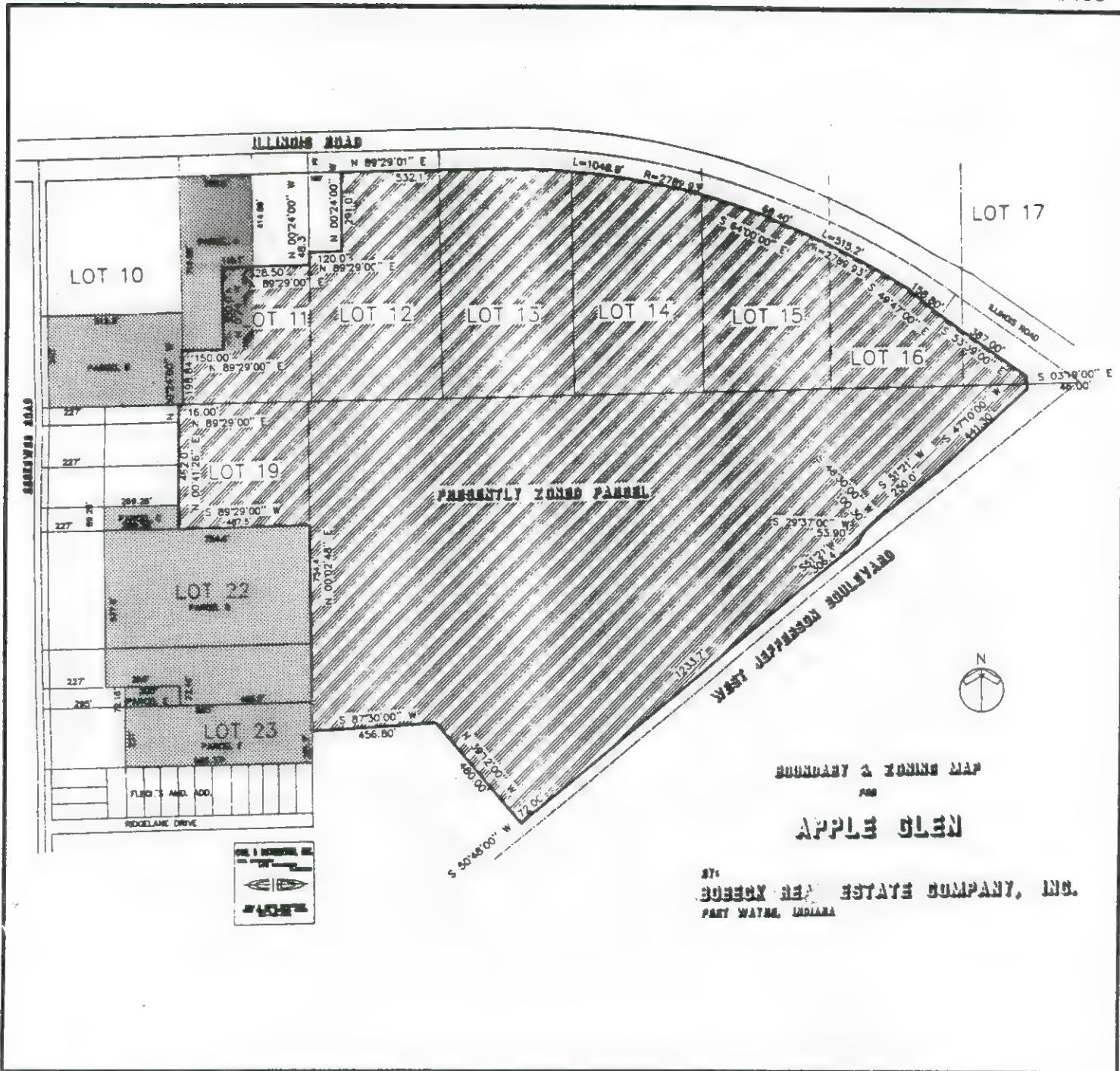
landscaping and more requirements into a development than the developer will. He stated that Wal Mart feels that their store will be the focal point by which this development will get off the ground.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and development plan.

REZONING PETITION

AREA MAP

CASE NO. #463



COUNCILMANIC DISTRICT NO. 4

Map No.: F-2
LW 2-22-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	IA	Interchange Access
PUD	Planned Unit Dev.	POD	Professional Office District	MHP	Mobile Home Park

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-91-03-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission gave No Recommendation on such proposed ordinance.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 6, 1991.

Certified and signed this
8th day of May 1991.



Robert Hutner
Secretary

Douglas E. Miller, attorney for the petitioners, requests a change of zone from RA to B-2-D.

Location: Portions of an area generally described as being located east of Reckeweg Road, south of Illinois Road and north of Jefferson Blvd.

Legal: See file

Land Area: Approximately 22.65 Acres.

Zoning: RA

Surroundings:	North	RA	Residential
	South	RA	Residential
	East	B-2-D	Undeveloped
	West	RA	Residential

Reason for Request: Development of a strip commercial center.

Neighborhood Assoc.: Reckeweg Road Area Association
Westmoor Park Neighborhood Association
Wildwood Park Community Association

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the West Sector of the Outer Ring. The goal of the West Sector is to contain growth to the Urban Service Area.

The West Sector is primarily suited for residential development and some industrial development. Shopping centers not presently approved, are not recommended for this sector. However this petition represents an expansion of a previously approved shopping center.

Reckeweg Road is presently a residential road, in that it presently serves only residentially used property, if this center were approved there should be some consideration given to the protection of those resident's located along Reckeweg Road through some type of screening or other means, also there should be no access from the center to Reckeweg Road without some sort

of improvements being made to the road which would help handle the increased traffic which this center would generate.

Neighborhood Plan: No comment.

Landscape: Would suggest rezoning parcel "B" to within 300 feet of Reckeweg Road only in order to maintain the residential character of the streetscape. Other mitigation techniques can be used through the Development Plan process.

Planning Staff Discussion:

The history of the Apple Glen site goes back to the 1970's when the site was approved for what was then envisioned as a multi-use regional shopping center. At that time the Fort Wayne area was subjected to some difficult economic conditions, and this proposal addressed the basic tenets of land use planning and, to some extent, economic concerns of the day. Since its primary approval, studies of the area have included the eventual development of this original site, and its impacts, in their analysis. While still projected for future development, the original site remains undeveloped.

The rezoning of the Apple Glen site was somewhat controversial and was subjected to legal challenge. The final decision of the court was to uphold the Apple Glen rezoning. (Subsequent decisions have indicated that the case could no longer be used as a legal precedent.) Between the legal challenges and the economic climate, the original ground failed to develop as originally proposed. The concept remains relatively the same, in that a "high-end" development will occur within the foreseeable future.

As the Commission knows, all petitions are evaluated against an established criteria. While we do not include the original Apple Glen site directly in this analysis, it does enter into the discussion as an abutting site, and the merits of the petition are obviously impacted by the presence of the original zoned tract.

One of the evaluation criteria requires the weighing of the petition against the condition and character of uses and structures in the area. In this case, we have a definite residential tone to the uses to the west and south, with some limited professional offices to the south. To the east is the original Apple Glen site (which remains undeveloped) and the Park West Shopping Center located east of that. To the north is the Illinois Road corridor which is changing from a residential to a commercial nature.

Another standard is an evaluation of the impacts of the petition on property values. We consider that to be a dual edged sword in that while recognizing the commercial value (or potential value) of property, we also must recognize the potential diminishing of residential qualities of life as reflected in the intensification of permitted land uses. As evidenced by recent public hearings, when a developed residential area abuts a proposed commercial development a multitude of concerns are given voice. Neighbors will assert their apprehension regarding traffic, noise and lighting, possible drainage concerns, and will even question how the proposal will effect the economics of existing retail space in the area. Each of these elements could have a potential negative impact on existing uses and future growth.

In 1985-86, the Plan Commission evaluated both the Jefferson Blvd. and Illinois Road corridors. The result of that evaluation was a policy to support commercial uses along Illinois Road, and to limit development along Jefferson Blvd. to less intensive professional office and residential uses.

This petition includes land that is located between those two arterials and generally located to the east of Reckeweg Road (although one parcel would have frontage on Reckeweg). The Reckeweg Road area has always been viewed as suitable for low to medium density residential uses, and is already exposed to some non-residential development at the Illinois Road intersection.

We are very concerned with the potential impacts of this petition on both the immediate area and on a more macro-scale, the overall well being of Fort Wayne. While the actual impacts of this potential development on the Reckeweg Road residents can be somewhat ameliorated through careful review and implementation of the actual site development, we are still left with the basic question regarding land use policy. One of the points that must be addressed is whether or not the petition represents genuine principles of responsible development and/or growth.

A somewhat similar petition, in regard to potential impacts, was recently reviewed at the Getz and Illinois Road intersection. The earnestly deliberated decision in that instance relied on the more inherently intense use of the Getz Road corridor, and on strategy issues protecting established residential uses and future development along that corridor. In this situation the Reckeweg Road corridor is clearly residential with little potential for commercialization. The primary evaluation concerns need to be focused on providing the best preservation of established and future developmental improvements, and the standards of appropriate growth management. We suggest that if the original tract to the east of this petitioned site were developed, it may then be logical to extend this planned development westerly, incorporating strategy issues to protect the residential character of Reckeweg Road. The Plan Commission needs to evaluate not only the potential impacts of this position, but to set the stage for the timeliness of responsible

growth in a manner that preserves the envisioned character of the area.

We firmly believe in the developers stated goal of developing a "high-end" or upper scale development. We further believe that the integration of mixed uses and discount retail will enhance the marketing viability of the project. However, market characteristics and economics should not be the direct impetus of a land use decision. Fortunately, our concerns and future goals can be addressed to some extent by this petition. We suggest a course of action to the Plan Commission that will not only allow commercial growth but will maintain the developers original concept. Further, by perfecting the petition to exclude the ground that is within three hundred (300) feet of the Reckeweg Road centerline, we preserve deep residential lots while allowing optimal commercial site development. As the Plan Commission can see from the "perfected site plan", a portion of ground that would allow a "straight line" zoning alignment on the west is not currently included in the petition. We would encourage the inclusion of that ground in this development if possible, but can not enforce inclusion without the property owners approval.

The Plan Commission needs to evaluate not only the potential impacts of this position, but to set the stage for the timeliness of responsible growth in a manner that preserves the envisioned character of the area.

Recommendation: Perfect the petition in the following manner:

- 1) Delete the ground that is within 300 feet of the Reckeweg Road centerline, and;
- 2) Delete the south approximate 115 feet of Lot#23 (Parcel F) to provide a south boundary line that is an extension of the existing zoned parcel.
- 3) Submit a revised legal description that reflects the above perfection.